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Attorney for Plaintiff
BRUCE ALBERT JOHNSON

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

BRUCE ALBERT JOHNSON,

Plaintiff,

v.

CFS II, INC., an Oklahoma corporation,

Defendant.

Case No. 5:12-CV-01091-LHK-PSG

**NOTICE OF MOTION AND MOTION TO
COMPEL FURTHER PRODUCTION OF
DOCUMENTS AND ELECTRONICALLY
STORED INFORMATION IN RESPONSE
TO DISCOVERY REQUESTS**

[Fed. R. Civ. P. 37(a) and Civil L.R. 37]

Hearing Date: February 19, 2013
Hearing Time: 10:00 a.m.
Hearing Judge: Honorable Paul S. Grewal
Hearing Courtroom: 5, 4th Floor
Hearing Location: 280 South First Street
San Jose, California

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that on February 19, 2013, at 10:00 a.m. or as soon thereafter as counsel may be heard before the Honorable Paul S. Grewal, United States Magistrate Judge in the United States District Court for the Northern District of California, San Jose Division, located at 280 South First Street, San Jose, California, Plaintiff, BRUCE ALBERT JOHNSON ("JOHNSON"), will move the Court for an order compelling Defendant, CFS II, INC. ("CFS"), to produce all documents and electronically stored information in its possession, custody or control responsive to JOHNSON's

1 discovery requests, pursuant to Fed. R. Civ. P. 37(a) and Civil L.R. 37-2.

2 This motion is made pursuant to Fed. R. Civ. P. 37(a) and Civil L.R. 37-2 on the grounds that
3 CFS has failed and refused to provide documents or ESI in its possession, custody or control which are
4 responsive to JOHNSON's discovery requests, despite efforts by JOHNSON to informally resolve this
5 dispute. In a separate motion, JOHNSON also seeks a monetary sanction against CFS II in the amount
6 of his reasonable attorney fees in enforcing his discovery rights pursuant to Fed. R. Civ. P. 37(a)(5).
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8 This motion is based on this Notice of Motion and Motion to Compel Discovery Responses, the
9 Declaration of Fred W. Schwinn in Support of Motion to Compel Discovery Responses, the
10 Memorandum of Points and Authorities in Support of Motion to Compel Discovery Responses filed
11 herewith, and such other evidence, argument, and authorities which may be presented at or prior to the
12 hearing before this Court on this Motion, and such other and further matters of which this Court may
13 take judicial notice.
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15 CONSUMER LAW CENTER, INC.
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17 Dated: January 15, 2013

By: /s/ Fred W. Schwinn

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